

**INDIANA BOARD OF PHARMACY
Indiana Government Center South
402 West Washington Street, Room W064
Indianapolis, IN 46204**

MINUTES OF FEBRUARY 11, 2019

Mark Smosna, R.Ph., President, called the meeting to order at 8:31 a.m. and declared a quorum in accordance with IC 25-26-13-3(d), pursuant to public notice posted at the principal office of the board at least forty-eight (48) hours before the time of the meeting.

Members Present: Mark Smosna, R.Ph., President
Del Fanning, R.Ph., Member
Steve Anderson, R.Ph., Member
Matt Balla, R.Ph., Vice President
Donna Wall, R.Ph., Member

Members Absent: Winnie Landis, R.Ph., Member

Staff Present: Darren Covington, J.D., Board Director
Professional Licensing Agency
Jody Edens, Assistant Board Director
Professional Licensing Agency
Zaneta Nunnally, Compliance Director
Professional Licensing Agency
Nicole Schuster, J.D., Deputy Attorney General
Office of the Attorney General

The Board voted to adopt the agenda as amended.

Fanning/Wall, 5/0/0
Motion carries

The following board members voted aye:
Del Fanning, Matt Balla, Donna Wall, Mark Smosna, Steve Anderson
The following board members voted nay: none
The following board members abstained: none

The Board voted to approve the January 14, 2019 minutes as written.

Anderson/Balla, 4/0/1, with Mr. Fanning abstaining
Motion carries

The following board members voted aye:
Matt Balla, Donna Wall, Mark Smosna, Steve Anderson
The following board members voted nay: none
The following board members abstained: Del Fanning

FULL BOARD APPEARANCES

MAC Rx – Variance Request of 856-IAC 1-28.1-9:

Participating Members: Donna Wall, R.Ph., Del Fanning, R.Ph., Mark Smosna, R.Ph., Steve Anderson, R.Ph., Matt Balla, R.Ph.

Curt Ayres, CEO, Miriam Cho, Pharm D, and Jody Bogt from CAPSA were present for the variance request.

MAC Rx is requesting a variance to permit them to operate the FirstDose system as an electronic emergency kit in its current and future long-term care facilities in the state of Indiana. It is a web-based software platform that permits MAC Rx to control access to this emergency drug supply by assigning unique access codes and defining access levels for facility and pharmacy staff. It tracks every entry into the system and every patient transaction at the pharmacy 24/7. The system constantly monitors inventory levels to permit prompt replenishment, identifying expiration dates and lot numbers for auditing and allows minimal inventory levels in the system.

The use of the FirstDose Electronic Emergency Kit in Indiana facilities would improve care to the facility residents and increase compliance than the use of a tackle box system. This system would provide: Better security; better accountability; better availability; monitors drug effectiveness-monitors expiration of all drugs in the system.

The Board thanked Mr. Ayres for his presentation. They will be scheduled again in March as they must appear twice for a variance request.

Tracy Perry, PharmD., R.Ph. Vanderburg County Health Department – INSPECT request:

Participating Members: Donna Wall, R.Ph., Del Fanning, R.Ph., Mark Smosna, R.Ph., Steve Anderson, R.Ph., Matt Balla, R.Ph.

Kara Slusser, Director of INSPECT also appeared regarding this matter.

Kara gave the Board some background regarding this matter. She informed the Board that in an email she received from Mr. Perry he indicated that he had looked up 2017 and 2018 deaths in INSPECT to run a data analysis. He did not have permission and did not have a relationship with the patients he reviewed in INSPECT.

Mr. Perry admitted to the Board that he did do this as he felt it was in the realm of a

pharmacist duties and then he reviewed the law and put a halt to his process as he realized he should not be looking them up without the Board's permission. He looked up seventy-four (74) patients from 2017 and thirty-one (31) patients from 2018.

He is now requesting information from INSPECT on deaths from 2013 to 2017.

The Board informed Mr. Perry that he will need an IRB before they can consider granting the request.

Medicine Plus, License # 60005748A – Remodel Application:

Participating Members: Del Fanning, R.Ph., Mark Smosna, R.Ph., Matt Balla, R.Ph., Donna Wall, R.Ph.

Let the record reflect that Steve Anderson recused himself from this matter and left the room as he knows the owner.

Jae Schuckman, R.Ph., PIC, Owner and Melissa Gresham, Compliance Officer appeared regarding this matter.

Melissa informed the Board that during a two (2) day inspection of Medicine Plus, the outcome was an inspection failure. She indicated most of the issues were a repeat of a previous inspection. Some of the issues were expired medicines, both compounded and on the shelf; bi-annual inventory report signed late or not at all; expired controlled substances that weren't disposed of; food in the refrigerator; controlled substance invoices were not signed.

Mr. Schuckman indicated that he is doing a remodel and has been pro-active regarding the issues in the inspection report. He stated that he is getting policies and procedures in place regarding the issues so they will be compliant. He also stated they are doing training on the policies and procedures so staff will know what they are to do. He has a task list that comes up daily, weekly and monthly on the computer so staff will know what needs to be done. He then verifies that the task list has been completed. Each task has the location of instruction in the policies and procedures manual so if someone doesn't understand they can easily look up the instructions. He has certain staff assigned to take inventory and to take the expired drugs off the shelves.

After discussion, the Board moved to APPROVE the Remodel Application pending passed inspection.

Wall/Balla, 4/0/0
Motion carries

The following board members voted aye:
Del Fanning, Matt Balla, Donna Wall, Mark Smosna,
The following board members voted nay: none
The following board members abstained: none

PROBATIONARY APPEARANCES

Participating Members: Del Fanning, R.Ph., Mark Smosna, R.Ph., Steve Anderson, R.Ph., Matt Balla, R.Ph., Donna Wall, R.Ph.

The following made their probationary appearance:

Susan Adams-Hayes
Troy Martin
Maria Henderson
Melanie Arvin
Kristin Luers

The following did not appear and will be contacted to appear next month:

Phillip Simpson

The Board discussed the non-appearance of Lucas Sweet and moved to issue an Order to Show Cause regarding this matter.

Balla/Wall, 5/0/0
Motion carries

The following board members voted aye:
Del Fanning, Matt Balla, Donna Wall, Mark Smosna, Steve Anderson
The following board members voted nay: none
The following board members abstained: none

The Board discussed the non-appearance of Emmylou Melton and moved to issue an Order to Show Cause regarding this matter.

Wall/Balla, 5/0/0
Motion carries

The following board members voted aye:
Del Fanning, Matt Balla, Donna Wall, Mark Smosna, Steve Anderson
The following board members voted nay: none
The following board members abstained: none

PERSONAL APPEARANCES

The following did not appear for their scheduled personal appearances and will be rescheduled:

- Jacoby Hogue, Technician in Training App

- Courtney Grant – Intern Permit Reinstatement App

Dezaray McDonald, MPJE Repeat Exam App:

Ms. McDonald appeared before the Board and discussed her studying habits.

After discussion, the Board moved to APPROVE Ms. McDonald's MPJE repeat exam application.

Wall/Balla, 5/0/0
Motion carries

The following board members voted aye:
Mark Smosna, Del Fanning, Steve Anderson, Matt Balla, Donna Wall
The following board members voted nay: none
The following board members abstained: none

Landon Poulson, NAPLEX Repeat Exam App:

Mr. Poulson appeared before the Board and discussed his studying habits.

After discussion, the Board moved to APPROVE Mr. Poulson's NAPLEX repeat exam application.

Balla/Wall, 5/0/0
Motion carries

The following board members voted aye:
Mark Smosna, Del Fanning, Steve Anderson, Matt Balla, Donna Wall
The following board members voted nay: none
The following board members abstained: none

Kathleen Jatta, 67013989A, Reinstatement Renewal App:

Ms. Jatta appeared before the Board regarding her reinstatement renewal application and was not represented by counsel.

Ms. Jatta has recently been employed by WalMart Pharmacy. She submitted a letter from WalMart that they will put her through their training program.

After discussion, the Board APPROVED Ms. Jatta's reinstatement renewal application.

Wall/Anderson, 5/0/0
Motion carries

The following board members voted aye:
Del Fanning, Matt Balla, Steve Anderson, Mark Smosna, Donna Wall
The following board members voted nay: none
The following board members abstained: none

Shannen Marshall, 67016359A, Reinstatement Renewal App:

Ms. Marshall appeared before the Board regarding her reinstatement renewal application and was not represented by counsel.

Ms. Marshall is currently employed with Kroger. She submitted a letter from Kroger that they will put her through their training program.

After discussion, the Board APPROVED Ms. Marshall's reinstatement renewal application.

Wall/Smosna, 5/0/0

Motion carries

The following board members voted aye:

Del Fanning, Matt Balla, Steve Anderson, Mark Smosna, Donna Wall

The following board members voted nay: none

The following board members abstained: none

Abby Ivers, Technician in Training App:

Ms. Ivers appeared before the Board regarding her Technician in Training application and was not represented by counsel.

Terry Harman, PhD, LCAC, LMHC, LMFT also appeared regarding this matter.

Dr. Harman informed the Board that Ms. Ivers contact IPRP at the request of the Board's staff and she has completed an evaluation. At this time they are waiting on the second (2nd) UDS results. The first result came back diluted due to over hydration. Before he can give his recommendation he needs to review the results.

Ms. Ivers indicated the last time she drank alcohol was during the Super Bowl and she drinks maybe one (1) to two (2) times per month. Approximately three (3) beers each time.

After discussion, the Board moved to APPROVE Ms. Ivers' Technician in Training application if the UDS comes back negative.

Wall/Balla, 5/0/0

Motion carries

The following board members voted aye:

Del Fanning, Matt Balla, Steve Anderson, Mark Smosna, Donna Wall

The following board members voted nay: none

The following board members abstained: none

Skylar Ironmonger, Technician in Training App:

Mr. Ironmonger appeared before the Board regarding his Technician application and was not represented by counsel.

In March 2018 he stated he was pulled over and the Police found Marijuana in his car. It was deemed as his because it was his car.

He stated that he has used Marijuana a couple of times per month since High School. He last used in March 2018.

He entered into a diversion program in June 2018 for one (1) year and must complete drug classes.

After discussion, the Board moved to APPROVE Mr. Ironmonger's Technician in Training application on INDEFINITE PROBATION with terms and conditions.

Wall/Balla, 5/0/0
Motion carries

The following board members voted aye:
Del Fanning, Matt Balla, Steve Anderson, Mark Smosna, Donna Wall
The following board members voted nay: none
The following board members abstained: none

Emily Mozwecz, Technician in Training App:

Ms. Mozwecz appeared before the Board regarding her Technician in Training application and was not represented by counsel.

Terry Harman, PhD., LCAC, LMHC, LMFT also appeared regarding this matter.

Ms. Mozwecz has had the following arrests: 2009 – Minor consumption; 2010 – DUI; 2013 – Public intoxication; 2014 – DUI

During her January 2019 appearance before the Board, she indicated she last drank in December 2018. She indicated the issues with alcohol started when she entered college and while in college in 2010 her Mother passed away.

After completing college she decided she needed to move out of Bloomington and the college life/friends. She then moved to Valparaiso and has an eighteen (18) month old child.

She had an addictionology evaluation with IPRP on January 9, 2019 but hadn't gotten the results of the evaluation at the time of the January 2019 meeting. Dr. Harman informed the Board that Ms. Mozwecz informed him she drank a couple glasses of wine two (2) to three (3) days prior to the UDS. The UDS was positive for high levels of alcohol.

After discussion, the Board moved to APPROVE Ms. Mozwecz's Technician in Training application on INDEFINITE PROBATION with terms and conditions.

Wall/Fanning, 5/0/0

Motion carries

The following board members voted aye:
Del Fanning, Matt Balla, Steve Anderson, Mark Smosna, Donna Wall

The following board members voted nay: none

The following board members abstained: none

Mai Khuu, Pharmacist Examination App:

Ms. Khuu appeared before the Board regarding her pharmacist examination application and was not represented by counsel.

December 2017 Ms. Khuu appeared before the Board regarding her Intern Permit application. Minutes from that appearance are as follows:

"In August 2017, Ms. Khuu appeared before the Board regarding her intern permit renewal. She indicated she was charged with Shoplifting in July 2016 and again in November 2016. She was placed on 364 days of unsupervised probation.

She started seeing a Psychiatrist for depression in 2015 and continues to see the psychiatrist. She feels this has helped to put her in a better place mentally.

After discussion the Board moved to TABLE this matter and requested that she obtain a report from her Therapist/Psychiatrist on how she is doing and a report from school on how she is doing. The Board requested she reappear in December 2017 as she will be out of state for the next three (3) months.

Ms. Khuu is not reappearing regarding her intern permit. She submitted a letter from her school regarding her issues, but staff did not receive a letter from her Therapist.

The Board TABLED this matter for Ms. Khuu to get the letter from her Therapists.

Wall/Landis, 7/0/0

Motion carries

The following board members voted aye:

Donna Wall, Steve Anderson, Winnie Landis, John Wilson, Del Fanning, Matt Balla, Mark Smosna

The following board members voted nay: none

The following board members abstained: none

The Board reconvened this matter later in the day.

Ms. Khuu emailed the letter from her Therapists to the Board and the Board reviewed both documents.

After discussion, the Board moved to APPROVE Ms. Khuu's intern permit renewal.

Fanning/Wilson, 7/0/0

Motion carries

The following board members voted aye:

Donna Wall, Steve Anderson, Winnie Landis, John Wilson, Del Fanning, Matt Balla, Mark Smosna

The following board members voted nay: none

The following board members abstained: none”

Ms. Khuu completed a recent Psychiatric evaluation in California where she had applied to take the pharmacist examination to obtain a California license. The California Board denied her application based upon the Psychiatric evaluation. The Indiana Board reviewed the same evaluation and found that the results were in favor of Ms. Khuu.

Ms. Khuu indicated that she sees her Psychiatrist every three (3) months and sees her Therapist every other week.

After discussion, the Board moved to APPROVE Ms. Khuu’s pharmacist examination application.

Anderson/Balla, 5/0/0

Motion carries

The following board members voted aye:

Del Fanning, Matt Balla, Steve Anderson, Mark Smosna, Donna Wall

The following board members voted nay: none

The following board members abstained: none

ADMINISTRATIVE HEARINGS

Shawntelle Morris, Ph.T., License No. 67021660A, Cause No. 2018 IBP 0032

Respondent did not appear in person and was not represented by counsel regarding an Extension of Summary Suspension scheduled before the Board. The State of Indiana was represented by Ryan Eldridge, Deputy Attorney General and the court reporter sworn in for this matter was Heather Orbaugh with Accurate Reporting.

Ms. Morris plead guilty and the court having entered judgment of conviction for: Count 1- Dealing in a Schedule IV controlled substance, a level 3 Felony.

She was committed to the custody of the Indiana Department of Corrections for 2,130 days incarceration, 1,095 suspended, zero days credit, balance to be served on Hendricks County Home Detention.

States Exhibit:

C – Sentencing Order

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter the Board moved to EXTEND the SUMMARY SUSPENSION for ninety (90) days.

Fanning/Wall, 5/0/0
Motion carries

The following board members voted aye:
Del Fanning, Matt Balla, Steve Anderson, Mark Smosna, Donna Wall
The following board members voted nay: none
The following board members abstained: none

Andrew Farmer, R.Ph.I., License No. 45021009A, Cause No. 2017 IBP 0065

Respondent did not appear in person and was not represented by counsel regarding a Petition to Withdraw Probation scheduled before the Board. The State of Indiana was represented by Tim Weber, Deputy Attorney General and the court reporter sworn in for this matter was Heather Orbaugh with Accurate Reporting.

This is the second (2nd) time Mr. Farmer has not appeared for his requested petition to withdraw probation.

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and order in this matter the Board moved to issue a NOTICE OF PROPOSED DISMISSAL.

Balla/Wall, 5/0/0
Motion carries

The following board members voted aye:
Del Fanning, Matt Balla, Steve Anderson, Mark Smosna, Donna Wall
The following board members voted nay: none
The following board members abstained: none

Shatteri Stanley, Ph.T., License No. 67028338A, Cause No. 2016 IBP 0006

Respondent did not appear in person and was not represented by counsel regarding a Petition to Withdraw probation scheduled before the Board. The State of Indiana was represented by Ryan Eldridge, Deputy Attorney General and the court reporter sworn in for this matter was Heather Orbaugh with Accurate Reporting.

This is the second (2nd) time Mr. Stanley has not appeared for his requested petition to withdraw probation.

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and order in this matter the Board moved to issue a NOTICE OF PROPOSED DISMISSAL.

Balla/Anderson, 5/0/0
Motion carries

The following board members voted aye:
Del Fanning, Matt Balla, Steve Anderson, Mark Smosna, Donna Wall
The following board members voted nay: none
The following board members abstained: none

Briannah Wodetzki, Ph.T. License No. 67030273A, Cause No. 2018 IBP 0034

Respondent appeared in person and was not represented by counsel regarding a Petition to Withdraw Probation scheduled before the Board. The State of Indiana was represented by Ryan Eldridge, Deputy Attorney General and the court reporter sworn in for this matter was Heather Orbaugh with Accurate Reporting.

Ms. Wodetzki's license was placed on probation in July 2018. She has since completed her court deferral program successfully.

She is employed with CVS.

Her sobriety date is January 11, 2018. Her drug of choice was Marijuana.

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter the Board moved to WITHDRAW the ORDER OF PROBATION.

Wall/Anderson, 5/0/0
Motion carries

The following board members voted aye:
Del Fanning, Matt Balla, Steve Anderson, Mark Smosna, Donna Wall
The following board members voted nay: none
The following board members abstained: none

Keystone Choice Pharmacy, License No. 64001978A, Cause No. 2018 IBP 0029

Respondent appeared in person and was represented by counsel, Matthew Branic, J.D. and Stephanie Eckerle, J.D. regarding an Appeal of Denial of Renewal Application scheduled before the Board. The State of Indiana was not represented in the matter and the court reporter sworn in for this matter was Heather Orbaugh with Accurate Reporting.

Melanie Featherman, Director of Compliance with Global Health Care Management and Michael Vicoso, R.Ph., PIC were sworn in as witnesses for the Respondent.

The counsel for Keystone Choice Pharmacy previously appeared in September 2018 and the Board tabled the matter for representatives of Keystone Choice Pharmacy to appear

to answer the Board's questions.

Melanie Featherman, Director of Compliance with Global Health Care Management consults with Keystone Choice Pharmacy regarding compliance issues.

She is familiar with the Corporate Integrity Agreement (CIA) with the OIG and stated that Keystone Choice was not a party to the CIA.

She stated the North Carolina license was placed on inactive status with an agreement that they will not seek renewal of said license.

Keystone Choice Pharmacy is licensed in all states but North Carolina, Massachusetts and Indiana. Pennsylvania, Colorado, Texas, Arizona and Indiana all asked for additional information on the North Carolina action, all other states renewed their license. Pennsylvania sent them a letter stating the matter was investigated and they won't be filing any charges.

Michael Vicoso, R.Ph, PIC has been the pharmacist in charge at Keystone Choice Pharmacy since April 2016.

He indicated that they have less than ten (10) patients in Indiana when the license was active. He is at the Pennsylvania pharmacy.

He stated he was present when OIG came in with a search warrant. He states as far as he could tell they took copies of hard drives and collected documents. He didn't know what exactly was taken as he was not allowed to stay inside the pharmacy area, but indicated he was right outside it for the nine (9) hours it took to complete the warrant search.

The do not do any kind of compounding.

They employ 57 pharmacy technicians as well as at least five (5) pharmacists. They indicated that sever of the technicians manned the telephones to take orders for products.

Respondent Exhibits:

- A – NC Order
- B – Letter from Keystone Choice Pharmacy
- C – On line IN license print
- D – Renewal application
- E – Letter from Matthew Kleinhans
- F – Email from Jody Edens
- G – Email & Personal Appearance letter from Jody Edens
- H – Response email from Matthew Kleinhans
- I – Response email from Jody Edens
- J – NC Consent Order
- K – IN Pharmacy Board Minutes
- L – Denial Letter from IN

M – Corporate Integrity Agreement
N – Compliance letter from OIG
O – 2nd Compliance letter from OIG
P – Letter from PA Board

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter the Board moved to REVERSE their DENIAL and APPROVE Keystone Choice Pharmacy's license renewal.

Wall/Anderson, 5/0/0
Motion carries

The following board members voted aye:
Del Fanning, Matt Balla, Steve Anderson, Mark Smosna, Donna Wall
The following board members voted nay: none
The following board members abstained: none

Fazuddin Shareef, D.O., License No. 02003711B, Cause No. 2019 IBP 0002

Respondent appeared in person and was not represented by counsel regarding a Reinstatement of Suspended Registration scheduled before the Board. The State of Indiana was represented by Tim Weber, Deputy Attorney General and the court reporter sworn in for this matter was Heather Orbaugh with Accurate Reporting.

Dr. Shareef stated that the Medical Board lifted the summary suspension from his license and that he needs to get his controlled substances registration back so he can support his family.

Mr. Weber pointed out to the Board that the only reason the Medical Board withdrew the summary suspension was because Dr. Shareef no longer had the ability to prescribe controlled substances.

Mr. Weber also pointed out on the Medical Board's summary suspension extension order, which the following occurred regarding patients of Dr. Shareef:

Despite receiving a total of forty-two (42) urine drug screen results that were inconsistent with prescribed medications or evidenced the use of illicit substances, Dr. Shareef continued to prescribe controlled substances to Patients A,B,C, and D. Each patient subsequently dies from a drug overdose.

Patient A – Respondent wrote a prescription for Patient A on May 5, 2017; patient died on May 14, 2017.

Patient B – Respondent wrote a prescription for Patient B on August 26, 2016; patient died on September 3, 2016.

Patient C – Respondent wrote a prescription for Patient C on August 14, 2017; patient died on August 15, 2017.

Patient D – Respondent wrote a prescription for Patient D on January 6, 2017; patient

died on January 8, 2017.

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter the Board moved to DENY Dr. Shareef's request to reinstate his Suspended CSR.

Wall/Anderson, 5/0/0
Motion carries

The following board members voted aye:
Del Fanning, Matt Balla, Steve Anderson, Mark Smosna, Donna Wall
The following board members voted nay: none
The following board members abstained: none

Kathryn Bearss, Ph.T., License No. 67003506A, Cause No. 2004 IBP 0033

Respondent did not appear in person and was not represented by counsel regarding an Order to Show Cause scheduled before the Board. The State of Indiana was represented by Ryan Eldridge, Deputy Attorney General and the court reporter sworn in for this matter was Heather Orbaugh with Accurate Reporting.

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter the Board moved to issue a NOTICE of PROPOSED DEFAULT.

Fanning/Balla, 5/0/0
Motion carries

The following board members voted aye:
Del Fanning, Matt Balla, Steve Anderson, Mark Smosna, Donna Wall
The following board members voted nay: none
The following board members abstained: none

Erin Crouch, Ph.T., License No. 67021943A, Cause No. 2018 IBP 0053

Respondent did not appear in person and was not represented by counsel regarding an Order to Show Cause scheduled before the Board. The State of Indiana was represented by Stacy Oliver, Deputy Attorney General and the court reporter sworn in for this matter was Heather Orbaugh with Accurate Reporting.

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter the Board moved to issue a NOTICE of PROPOSED DEFAULT.

Fanning/Wall, 5/0/0
Motion carries

The following board members voted aye:
Del Fanning, Matt Balla, Steve Anderson, Mark Smosna, Donna Wall
The following board members voted nay: none
The following board members abstained: none

Aaron Bickel, Ph.T., License No. 67021430A, Cause No. 2018 IBP 0073

Respondent did not appear in person and was not represented by counsel regarding a Final Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by Ryan Eldridge, Deputy Attorney General and the court reporter sworn in for this matter was Heather Orbaugh with Accurate Reporting.

A settlement agreement between the Respondent and the Attorney General's Office was presented to the Board. The settlement agreement included INDEFINITE SUSPENSION for a period of not less than six (6) months with terms and conditions.

After reviewing the settlement agreement and taking official, judicial notice of the pleadings, evidence and orders in this matter the Board moved to APPROVE the SETTLEMENT AGREEMENT.

Balla/Wall, 5/0/0
Motion carries

The following board members voted aye:
Del Fanning, Matt Balla, Steve Anderson, Mark Smosna, Donna Wall
The following board members voted nay: none
The following board members abstained: none

Brandon Boston, Ph.T., License No. 67030243A, Cause No. 2018 IBP 0003

Respondent did not appear in person and was not represented by counsel regarding a Final Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by Stacy Oliver, Deputy Attorney General and the court reporter sworn in for this matter was Heather Orbaugh with Accurate Reporting.

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter the Board moved to issue a NOTICE OF PROPOSED DEFAULT.

Fanning/Wall, 5/0/0
Motion carries

The following board members voted aye:
Del Fanning, Matt Balla, Steve Anderson, Mark Smosna, Donna Wall
The following board members voted nay: none
The following board members abstained: none

Nathan Reese, Ph.T., License No. 67031441A, Cause No. 2018 IBP 0065

Respondent did not appear in person and was not represented by counsel regarding a Final Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by Tim Weber, Deputy Attorney General and the court reporter sworn in for this matter was Heather Orbaugh with Accurate Reporting.

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter the Board moved to issue a NOTICE OF PROPOSED DEFAULT.

Fanning/Wall, 5/0/0
Motion carries

The following board members voted aye:
Del Fanning, Matt Balla, Steve Anderson, Mark Smosna, Donna Wall
The following board members voted nay: none
The following board members abstained: none

Richard Sarna, R.Ph., License No. 26025399A, Cause No. 2018 IBP 0023

Respondent did not appear in person and was not represented by counsel regarding a Final Disciplinary Hearing scheduled before the Board. The State of Indiana was represented by Ryan Eldridge, Deputy Attorney General and the court reporter sworn in for this matter was Heather Orbaugh with Accurate Reporting.

The Respondent sent the Board an email requesting to continue this matter in order to obtain counsel.

After reviewing the request and taking official, judicial notice of the pleadings, evidence and orders in this matter the Board moved to CONTINUE this matter.

Wall/Balla, 5/0/0
Motion carries

The following board members voted aye:
Del Fanning, Matt Balla, Steve Anderson, Mark Smosna, Donna Wall
The following board members voted nay: none
The following board members abstained: none

Tianna Cardona, Ph.T., License No. 67032776A, Cause No. 2019 IBP 0006

Respondent did not appear in person and was not represented by counsel regarding a Petition for Summary Suspension scheduled before the Board. The State of Indiana was represented by Ryan Eldridge, Deputy Attorney General and the court reporter sworn in for this matter was Heather Orbaugh with Accurate Reporting.

Ms. Cardona has been charged with the following

- Neglect of a Dependent; places dependent in situation that endangers the dependent – Felony 6;
- Possession of a Controlled Substance – A Misdemeanor
- Possession of Marijuana – B Misdemeanor
- Possession of Paraphernalia – C Misdemeanor

The State pointed out specifically that the Respondent had Marijuana throughout the residence scattered all over the floor in several rooms within reach of her juvenile child. Four Hundred-five (405) grams of Marijuana was found in the house as well as Xanax pills, Cocaine and paraphernalia.

States Exhibit:

A – Porter County Criminal Records

After having considered the evidence presented, and taking official, judicial notice of the pleadings, evidence and orders in this matter the Board moved to place the Respondent's license on SUMMARY SUSPENSION for ninety (90) days.

Balla/Wall, 5/0/0
Motion carries

The following board members voted aye:
Del Fanning, Matt Balla, Steve Anderson, Mark Smosna, Donna Wall
The following board members voted nay: none
The following board members abstained: none

Darrel Rinehart, M.D., License No. 01031165B, Cause No. 2019 IBP 0007

Respondent did appear in person and was not represented by counsel regarding a Petition for Summary Suspension scheduled before the Board. The State of Indiana was represented by Tina Mann, Deputy Attorney General and Laura Iosue, Deputy Attorney General and the court reporter sworn in for this matter was Heather Orbaugh with Accurate Reporting.

The Medical Board in Tennessee placed Dr. Rinehart's medical license on suspension until May 31, 2019 at which time the license will expire. Dr. Rinehart will be prohibited from renewing or reinstating this license or applying for a new license based in part on the following evidence:

- Provided treatment including prescribing narcotics and other medications and controlled substances in amounts and/or durations not medically necessary, advisable or justified for a diagnosed condition to thirty-two (32) patients.
- Prescribed controlled substances used for treatment of pain in conjunction with other medications with a high potential for abuse, and did so without conducting a physical examination focused on the source of pain and/or making a clear objective

finding of chronic pain source to justify the ongoing and increasing prescribing for thirty (30) patients.

- Prescribed controlled substances without consulting the Controlled Substance Monitoring Database (CSMD) as required by law for twenty-seven (27) patients
- Prescribed controlled substances and other medication without obtaining a thorough history or adequately inquiring into the potential substance abuse history for thirty-two (32) patients.
- Prescribed controlled substances and other medication without an appropriate written treatment plan with regard to the use of controlled substances and other medication for thirty-two (32) patients.
- Prescribing discussed herein was non-therapeutic in nature, neither justified nor medically necessary for patients' diagnoses, and not for a legitimate purpose with regards to thirty-two (32) patients.
- Prescribed narcotics and/or other controlled substances to persons when the quantity, duration and method was such that the persons would likely become addicted to the habit of taking said controlled substances and failed to make a bona fide effort to cure the habit of such persons or failed to document any such effort with regards to thirty-two (32) patients.
- Provided few modalities of treatment other than the prescription of controlled substances for thirty-two (32) patients.
- A total of five (5) patients died.

States Exhibit

1 – Copy of TN order

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter the Board moved to place the Respondent's license on SUMMARY SUSPENSION for ninety (90) days.

Wall/Fanning, 5/0/0
Motion carries

The following board members voted aye:

Del Fanning, Matt Balla, Steve Anderson, Mark Smosna, Donna Wall

The following board members voted nay: none

The following board members abstained: none

Tamara Brugh, Ph.T. License No. 67031284A, Cause No. 2017 IBP 0096

Respondent did not appear in person and was not represented by counsel regarding a Notice of Proposed Default scheduled before the Board. The State of Indiana was represented by Tim Weber, Deputy Attorney General and the court reporter sworn in for this matter was Heather Orbaugh with Accurate Reporting.

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and order in this matter the Board moved to hold the Respondent's license in DEFAULT.

Wall/Balla, 5/0/0
Motion carries

The following board members voted aye:
Del Fanning, Matt Balla, Steve Anderson, Mark Smosna, Donna Wall
The following board members voted nay: none
The following board members abstained: none

The Respondent was convicted in a plea agreement of Theft, a Level 6 Felony. She was sentenced to St. Joseph County jail for twenty-four (24) months. The sentence was suspended and she was placed on probation for twenty-four (24) months.

States Exhibits:

- A – Chronological Case Summary
- B – Report of theft or loss of controlled substances
- E – Judgement of conviction and sentencing order

After having considered the evidence presented, taking official, judicial notice of the pleadings, evidence and orders in this matter the Board moved to REVOKE the Respondent's license.

Anderson/Balla, 5/0/0
Motion carries

The following board members voted aye:
Del Fanning, Matt Balla, Steve Anderson, Mark Smosna, Donna Wall
The following board members voted nay: none
The following board members abstained: none

Nicholas Martin, Ph.T., License No. 67025489A, Cause No. 2017 IBP 0087

Respondent did not appear in person and was not represented by counsel regarding a Notice of Proposed Default & Proposed Settlement Agreement scheduled before the Board. The State of Indiana was represented by Stacy Oliver, Deputy Attorney General and the court reporter sworn in for this matter was Heather Orbaugh with Accurate Reporting.

A settlement agreement between the Respondent and the Attorney General's Office was presented to the Board. The settlement agreement included agreed REVOCATION of the Respondent's license.

After reviewing the settlement agreement and taking official, judicial notice of the pleadings, evidence and orders in the matter the Board moved to ACCEPT the SETTLEMENT AGREEMENT.

Balla/Fanning, 5/0/0

Motion carries

The following board members voted aye:
Del Fanning, Matt Balla, Steve Anderson, Mark Smosna, Donna Wall
The following board members voted nay: none
The following board members abstained: none

Andrew Smith, P.T.I.T., License No. 99083624A, Cause No. 2018 IBP 0018

Respondent did not appear in person and was not represented by counsel regarding a Notice of Proposed Default scheduled before the Board. The State of Indiana was represented by Tim Weber, Deputy Attorney General and the court reporter sworn in for this matter was Heather Orbaugh with Accurate Reporting.

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter the Board moved to hold the Respondent's license in DEFAULT.

Wall/Fanning, 5/0/0
Motion carries

The following board members voted aye:
Del Fanning, Matt Balla, Steve Anderson, Mark Smosna, Donna Wall
The following board members voted nay: none
The following board members abstained: none

The Respondent was employed by Kroger Pharmacy, where he was caught on camera diverting medications.

He was charged with Theft, a class A Misdemeanor.

On April 24, 2018 he entered into a deferral agreement for twelve (12) months where he cannot commit any felony or misdemeanor offenses, must pay all fees and complete 40 hours of community service. He also must stay away from the Shelbyville Kroger and may not work in a pharmacy for twelve (12) months.

State Exhibits:

- A – Criminal charging records
- B – Deferral agreement
- C – Kroger employee file

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter the Board moved to REVOKE the Respondent's license.

Fanning/Balla, 5/0/0
Motion carries

The following board members voted aye:
Del Fanning, Matt Balla, Steve Anderson, Mark Smosna, Donna Wall
The following board members voted nay: none
The following board members abstained: none

**Pharmedium Services, LLC, License/Cause No's. 64000801A/2019 IBP 0009,
64000845A/2019 IBP 0010, 64000844A/2019 IBP 0012 and 64000910A/2019 IBP 0011**

Respondent did not appear in person and was represented by counsel Sherry Fabina-Abney regarding a Petition for Summary Suspension scheduled before the Board. The State of Indiana was represented by Ryan Eldridge, Deputy Attorney General and the court reporter sworn in for this matter was Heather Orbaugh with Accurate Reporting.

Respondent's counsel entered a Motion to Continue this matter. The State objected.

After having considered the evidence presented and taking official, judicial notice of the pleadings, evidence and orders in this matter the Board moved DENY the request to CONTINUE.

Wall/Fanning, 5/0/0
Motion carries

The following board members voted aye:
Del Fanning, Matt Balla, Steve Anderson, Mark Smosna, Donna Wall
The following board members voted nay: none
The following board members abstained: none

A settlement agreement between the Respondent, their counsel and the Attorney General's Office was presented to the Board. The settlement agreement included agreed SUMMARY SUSPENSION for ninety (90) days.

After reviewing the settlement agreement and taking official, judicial notice of the pleadings, evidence and orders in this matter the Board moved to APPROVE the settlement agreement.

Fanning/Anderson, 5/0/0
Motion carries

The following board members voted aye:
Del Fanning, Matt Balla, Steve Anderson, Mark Smosna, Donna Wall
The following board members voted nay: none
The following board members abstained: none

DISCUSSION

INSPECT:

Participating Members: Steve Anderson, R.Ph., Matt Balla, R.Ph., Mark Smosna, R.Ph., Del Fanning, R.Ph., Donna Wall, R.Ph.

- NABP contract is currently up for renewal
- PNP Connect – Montana just recently connected with them
- Defense Health Systems – are actively connected to PNP Connect – This is for active military prescribing – including Military Hospitals and Military Pharmacists. Others in the PNP Connect will be able to see the information too.

Medicaid Fraud Unit Investigations – wants to connect to investigate Medicaid/Medicare fraud issues. They have to show that there is an active investigation to access.

After discussion, the Board moved to ALLOW Medicaid/Medicare Fraud Unit Investigators to have access for their active investigations.

Wall/Balla, 5/0/0
Motion carries

The following board members voted aye:

Del Fanning, Matt Balla, Steve Anderson, Mark Smosna, Donna Wall

The following board members voted nay: none

The following board members abstained: none

Zaneta Nunnally – Compliance Director – Report:

Participating Members: Steve Anderson, R.Ph., Matt Balla, R.Ph., Mark Smosna, R.Ph., Del Fanning, R.Ph., Donna Wall, R.Ph.

Ms. Nunnally reported the following:

- 72 inspections were performed for the month of December
- 34 Pharmacies
- 10 Home Medical Equipment Facilities
- 28 Controlled Substance Registrations
- 13 deficiencies were found
- 2 consumer complaints filed
- 1 Pharmacy robberies

Remote data entry by technicians – Rule discussion:

Participating Members: Steve Anderson, R.Ph., Matt Balla, R.Ph., Mark Smosna, R.Ph., Del Fanning, R.Ph., Donna Wall, R.Ph.

Mr. Covington gave the Board samples of what other Boards have in their rules regarding

remote data entry by technicians. The Board reviewed them and expressed that they favored Idaho's wording. Mr. Covington will prepare a draft rule for the Board's consideration.

Controlled Substance Law Exam for Probationers:

Participating Members: Steve Anderson, R.Ph., Matt Balla, R.Ph., Mark Smosna, R.Ph., Del Fanning, R.Ph., Donna Wall, R.Ph.

Darren informed the Board that this is something the Board can do if they choose. We can't require all practitioners to take a law exam, but we can develop one for practitioners on probation to take one prior to withdrawing their probation.

Darren will talk with NABP to see if they may be able to assist.

NABP Annual Meeting Funding:

Participating Members: Steve Anderson, R.Ph., Matt Balla, R.Ph., Mark Smosna, R.Ph., Del Fanning, R.Ph., Donna Wall, R.Ph.

Mr. Covington asked if the Board wanted to approve funding for two (2) to three (3) of the members to go to the NABP annual meeting.

After discussion, the Board moved to APPROVE funding for up to three (3) members to go to the NABP annual meeting.

Balla/Wall, 5/0/0
Motion carries

The following board members voted aye:
Del Fanning, Matt Balla, Steve Anderson, Mark Smosna, Donna Wall
The following board members voted nay: none
The following board members abstained: none

Emergency Drug Kits – Rule Discussion:

Participating Members: Steve Anderson, R.Ph., Matt Balla, R.Ph., Mark Smosna, R.Ph., Del Fanning, R.Ph., Donna Wall, R.Ph.

Mr. Covington supplied the members with the rules we currently have regarding Emergency Drug Kits (EDK) and asked if they wanted to update the rules to include non-resident pharmacies to manage EDK's. He also supplied them with samples from Virginia and Kentucky as they both allow non-resident facilities to supply the EDK's. Also included DEA guidelines for EDK's. The Board took under advisement.

Assignment of Subcommittee for Rule Re-Adoption Review:

Participating Members: Steve Anderson, R.Ph., Matt Balla, R.Ph., Mark Smosna, R.Ph., Del Fanning, R.Ph., Donna Wall, R.Ph.

Mr. Covington informed the Board that they have several rule re-adoptions to do this year and that he will need to call on the members to assist him in the re-adoption process. All members agreed to assist. No specific sub-committee will be formed.

Designated AG Liaison:

Participating Members: Steve Anderson, R.Ph., Matt Balla, R.Ph., Mark Smosna, R.Ph., Del Fanning, R.Ph., Donna Wall, R.Ph.

Mr. Anderson stated that he would like to be the liaison.

After discussion, the Board moved to ELECT Steve Anderson as the designated AG Liaison.

Balla/Wall, 5/0/0
Motion carries

The following board members voted aye:
Del Fanning, Matt Balla, Steve Anderson, Mark Smosna, Donna Wall
The following board members voted nay: none
The following board members abstained: none

Dual License for Pharmacy:

Participating Members: Steve Anderson, R.Ph., Matt Balla, R.Ph., Mark Smosna, R.Ph., Del Fanning, R.Ph., Donna Wall, R.Ph.

The Board stated that a Pharmacy can only be one (1) type. They need to determine which one best fits their practice. They informed staff that if a pharmacy has a change of facility type they must file a new application and all requirements to change their type of pharmacy.

Pseudoephedrine Rule Revision:

Participating Members: Steve Anderson, R.Ph., Matt Balla, R.Ph., Mark Smosna, R.Ph., Del Fanning, R.Ph., Donna Wall, R.Ph.

Mr. Covington informed the Board that they need to start over with the rule revisions, as the rule was withdrawn for not complying with statutory requirements. Mr. Covington will prepare a revised draft.

FDA MOU:

Participating Members: Steve Anderson, R.Ph., Matt Balla, R.Ph., Mark Smosna, R.Ph., Del Fanning, R.Ph., Donna Wall, R.Ph.

Mr. Covington updated the Board on the status of the FDA's MOU regarding compounding.

Bounced Check for Amber Halsey:

Participating Members: Steve Anderson, R.Ph., Matt Balla, R.Ph., Mark Smosna, R.Ph., Del Fanning, R.Ph., Donna Wall, R.Ph.

Ms. Halsey submitted a technician application and received a technician in training license number 99089828A. The check she submitted for the application and license bounced. Staff has notified her twice by mail requesting she clear up this matter. She did not respond to either notice.

After discussion, the Board moved to DENY Ms. Halsey's application.

Wall/Balla, 5/0/0
Motion carries

The following board members voted aye:
Del Fanning, Matt Balla, Steve Anderson, Mark Smosna, Donna Wall
The following board members voted nay: none
The following board members abstained: none

License Surrender – Darren Covington, Board Director:

Participating Members: Steve Anderson, R.Ph., Matt Balla, R.Ph., Mark Smosna, R.Ph., Del Fanning, R.Ph., Donna Wall, R.Ph.

Mr. Covington informed the Board that the following physicians would like to surrender their controlled substance registration as they do not use them.

John Sparzo, M.D., 01046581B
James Myers, 01022825C
Philip LaBlonde, M.D., 01027956B

After discussion, the Board moved to ACCEPT their requests to surrender their CSR's.

Fanning/Balla, 5/0/0
Motion carries

The following board members voted aye:
Del Fanning, Matt Balla, Steve Anderson, Mark Smosna, Donna Wall
The following board members voted nay: none
The following board members abstained: none

REVIEW OF APPLICATIONS

Participating Members: Steve Anderson, R.Ph., Matt Balla, R.Ph., Mark Smosna, R.Ph., Del Fanning, R.Ph., Donna Wall, R.Ph.

Individual Application Review:

The Board reviewed and requested a PERSONAL APPEARANCE on the following initial application(s):

Balla/Wall, 5/0/0 Motion carried

The following board members voted aye:

Del Fanning, Matt Balla, Steve Anderson, Mark Smosna, Donna Wall

The following board members voted nay: none

The following board members abstained: none

- Brittany Fulks – Technician in Training

Controlled Substance Registrations, HME & EDI Applications:

The Board reviewed and APPROVED the following CSR, HME & EDI application(s):

Anderson/Wall, 5/0/0
Motion carried

The following board members voted aye:

Del Fanning, Matt Balla, Steve Anderson, Mark Smosna, Donna Wall

The following board members voted nay: none

The following board members abstained: none

- Ball State University – Department of Biology/Timothy Carter – License No. 61101229B – Schedules 3,4
- Indiana State University Science North Animal Facility/Marcella Hawkins – Limited Permit CSR App – Schedule 3
- Purdue University/Jean-Christophe Rochet – Researcher CSR CHOL App – Schedules 2,3
- Purdue University Veterinary Teaching Hospital/Wilson Gwin – Hospital/Clinic CSR App – Schedules 2,2N,3,3N,4,5
- Kokomo Ambulatory Surgery Center, LLC – Surgery Center CSR App – Schedules 2,2N,3,3N,4,5
- Norton Occupational Medicine d/b/a Norton Occupational Medicine Assoc. – Out Patient Clinic CSR App – Schedules 2,2N

The Board reviewed and TABLED the following CSR, HME & EDI application(s) for additional documentation:

Anderson/Wall, 5/0/0
Motion carried

The following board members voted aye:
Del Fanning, Matt Balla, Steve Anderson, Mark Smosna, Donna Wall
The following board members voted nay: none
The following board members abstained: none

- Orthopedic & Sports Medicine Center of Northern IN, Inc. – Hospital/Clinic CSR App – Schedules 2,2N

The Board reviewed and requested an Order to Show Cause be issued on the following CSR:

Anderson/Wall, 5/0/0
Motion carried

The following board members voted aye:
Del Fanning, Matt Balla, Steve Anderson, Mark Smosna, Donna Wall
The following board members voted nay: none
The following board members abstained: none

- Andrew Felman, D.O., CSR App

Facility Applications:

The Board reviewed and APPROVED the following facility application(s).

Fanning/Wall, 5/0/0
Motion carries

The following board members voted aye:
Del Fanning, Matt Balla, Steve Anderson, Mark Smosna, Donna Wall
The following board members voted nay: none
The following board members abstained: none

- OptumRx, Inc. – Non Resident App
- St. Matthews Specialty Pharmacy, LLC – Non Resident App
- Sina Drug, LLC – Non Resident App
- Perfection Rx – Non Resident Change of Location App
- CPS Telepharmacy – Non Resident Change of Location App
- Motto Pharmacy – Non Resident App
- Concentrix CVG – Non Resident App
- Meijer Pharmacy #982 – Non Resident App

The Board reviewed and APPROVED the following compounding facility application(s).

Anderson/Wall, 5/0/0
Motion carries

The following board members voted aye:
Del Fanning, Matt Balla, Steve Anderson, Mark Smosna, Donna Wall
The following board members voted nay: none
The following board members abstained: none

- Spectrum Infusion, Inc – Non Resident App
- Script Experts – Non Resident App
- Physicians Pharmacy Alliance – Non Resident Change of Ownership App
- Excel Pharmacy Services – Non Resident App
- Care Direct Rx – Non Resident Change of Location and Change of Ownership Apps

The Board reviewed and TABLED the following compounding facility application(s) for additional documentation:

- Millers of Wyckoff – Non Resident Change of Ownership App
- Tri-Unity Infusion Services – Non Resident App
- Wedgewood Village Pharmacy – Non Resident Change of Ownership App
- Pope Shenouda, LLC d/b/a 1st Choice Pharmacy – Non Resident App
- Coram Alternate Site Services d/b/a Coram CVS/specialty Infusion Services – Non Resident App

Anderson/Wall, 5/0/0
Motion carries

The following board members voted aye:
Del Fanning, Matt Balla, Steve Anderson, Mark Smosna, Donna Wall
The following board members voted nay: none
The following board members abstained: none

Continuing Education Applications:

The Board reviewed and APPROVED the following continuing education programs:

Balla/Wall, 5/0/0
Motion carried

The following board members voted aye:
Del Fanning, Matt Balla, Steve Anderson, Mark Smosna, Donna Wall
The following board members voted nay: none
The following board members abstained: none

- Donald Randall, III, Detective – Indianapolis Metro Police Dept – Prescription Fraud Workshop – 3 hours

- Don Newman – Morton Plant Hospital – Grand Rounds/Diastolic Heart Failure – 1 Hour
- Julia Dickman – Parkview Regional Medical Center – Hepatitis A Case Series - .5 Hour
- Amber Ooley – Community Health Network – No So Swell: Acute Care Management of Angioedema – 1 Hour
- Katharine Lundy – Parkview Health – Fall Risk and Aging; What about Medications? – 1 Hour
- Corissa Piatka – Parkview Health – Breakthrough Bacteria – 1 Hour
- Brandon Euen – Parkview Regional Medical Center – Treatment of Pulmonary Mycobacterium Avium Complex (MAC) Infection – 1 Hour
- Don Newman – Morton Plant Hospital – Grand Rounds/Bariatric Surgery – 1 Hour

Third Party Logistics Applications:

The Board reviewed and APPROVED the following 3PL application(s).

Wall/Fanning, 5/0/0
Motion carried

The following board members voted aye:

Del Fanning, Matt Balla, Steve Anderson, Mark Smosna, Donna Wall

The following board members voted nay: none

The following board members abstained: none

- Positudes, Inc
- R & S Solutions, LLC
- Owens & Minor Distribution

There being no further business the Board adjourned at 7:15 p.m.



Mark Smosna, R.Ph., President

Matt Balla, R.Ph., Vice President